

INTRADEPARTMENTAL CORRESPONDENCE

April 1, 2020
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TO: The Honorable Board of Police Commissioners

FROM: Chief of Police

SUBJECT: CAROTID RESTRAINT CONTROL HOLD FID NO. 024-19

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Honorable Members:

The following is my review, analysis, and findings for Carotid Restraint Control Hold (CRCH), Force Investigation Division (FID) No. 024-19. A Use of Force Review Board (UOFRB) was convened on this matter on March 9, 2020. I have reviewed and adopted the recommendations from the UOFRB for this incident. I hereby submit my findings in accordance with Police Commission policy.

SUMMARY¹

On June 4, 2019, at approximately 1915 hours, Officers S. Obaidee, Serial No. 37305, and R. Huerta, Serial No. 43801, Southeast Patrol Division, were on loan assigned to Southwest Patrol Division. Both officers were in full uniform and driving a marked black and white police vehicle. The officers responded to radio call involving a "battery suspect there now" at 4223 South Hoover Street.

Officer Huerta was a probationary officer at time of the incident with approximately *three weeks* of field experience since he had completed his academy training. Officer Huerta had been assigned to work with Officer Obaidee, his Field Training Officer (FTO). During the time Officer Obaidee and Huerta worked together, they *regularly discussed uses of force*.

According to Officer Obaidee, he *regularly discussed tactics with* his probationary officers as he trained them in the field. Officer Obaidee would ensure that his probationary officers, as well as Officer Huerta, understood that Officer Obaidee would always be the *contact officer, unless otherwise discussed*. On the day of the incident, Officer Huerta was assigned the role of *cover officer*.

¹ The summary and the investigation completed by FID for this incident have been provided to the Board of Police Commissioners.

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While enroute to the radio call, Officers Obaidee and Huerta discussed the comments of the radio call, but according to Officer Obaidee, it was *unclear whether it was family dispute or two people fighting*² (**Additional – Required Equipment**).

Note: Officer Obaidee stated he believed that the nature of the radio call was an Assault with a Deadly Weapon (ADW). The investigation revealed that the call broadcasted from Communication Division (CD) was a “Battery Suspect There Now”.

According to Officer Obaidee, when the officers arrived, they were met by the Person Reporting (PR), a female, later identified as G. Flores, who had initiated the radio call for service. G. Flores, who only spoke Spanish, also communicated to the officers in Spanish that *somebody was fighting with her husband*. Officer Obaidee, who did not *fluently* speak Spanish, stated he understood portions of what G. Flores was attempting to communicate to him. Officer Obaidee *verified* with G. Flores that *her apartment* was number six. The officers then *made entry into the building* to contact the resident of apartment six accompanied by G. Flores (**Debriefing Point No. 1**).

Note: The FID investigation and review of Officer Obaidee’s Body Worn Video (BWV) depicted Officer Obaidee contacting G. Flores on the sidewalk in front of her residence. Upon initial contact, Officer Obaidee’s first statement to G. Flores was that he did not speak Spanish. Officer Obaidee asked G. Flores, in Spanish, “What is going on,” by stating, “Que paso.” G. Flores responded in Spanish that she had left her residence to clean a house and upon returning home, her son, A. Aparicio³ was fighting with her husband, his father, B. Aparicio, Senior,⁴ inside of their apartment. Officers Obaidee and Huerta understood that Victim Aparicio was fighting with someone. Neither officer understood, due to their lack of Spanish comprehension, that the suspect was Victim Aparicio’s son, Alan. Officers did not fully know what G. Flores communicated to them and followed her into the apartment building and up to the apartment where both Victim Aparicio and Alan remained in separate rooms.

According to Officer Obaidee, when he, Officer Huerta, and G. Flores reached the apartment, he went to the end of the hallway to ensure that the *rear door* leading into the apartment complex was *unlocked and open in case* the situation required additional resources. Obaidee returned and then knocked on the open door of the apartment where the officers *identified* themselves as police officers. While standing in the doorway waiting for a response, G. Flores entered the apartment and walked toward the left where Victim Aparicio met her while he was standing in an open doorway to a bedroom. Victim Aparicio *said he got in a fight, and the person is in the*

² The Person Reporting G. G. Flores provided information to the 911 operator that her husband had gotten into a physical confrontation with their son; however, not all the information was broadcast in the radio call.

³ Alan Aparicio will herein be referred to as Alan.

⁴ Benjamin Aparicio Sr. will herein be referred to as Victim Aparicio.

other room. Victim Aparicio then directed officers *to the room which was just east of the door* they were standing in front of and in the same apartment.

Note: The FID investigation and review of Officer Obaidee's Body Worn Video (BWV) depicted their brief contact with Victim Aparicio. The video depicted that the victim had sustained visible injuries (abrasions and contusions) as a result to the physical altercation between himself and his son, Alan, which prompted G. Flores to call the police.

Officer Obaidee proceeded to conduct a *door-knock* on the bedroom door of Alan and announced their presence and that they were police officers. A male, later identified as B. Aparicio Junior,⁵ another son of Victim Aparicio, opened the door. Officer Obaidee asked Benjamin if he spoke English and if he knew what *happened*. Benjamin said in English, "Yes, they got in a fight." Benjamin *pointed to* Victim Aparicio and then down to *somebody lying down on the ground* covered by a *blanket*, later identified as Alan (**Debriefing Points No. 1 and 2**).

According to Officer Huerta, he observed *severe bruising* on the *left side* of Victim Aparicio's *face* as he stood in the bedroom doorway. Officer Huerta also realized that Victim Aparicio only spoke Spanish. However, Victim Aparicio was able to tell the officers *that he's (Alan) still next door in the room to the right*. Officers had the *mother and father step back and open the door* (**Additional/Equipment – BWV Activation**).

According to Officer Obaidee, when he saw Alan laying on the floor covered with a blanket. him, Officer Obaidee partially removed the blanket *for officer safety* reasons so he could visually verify that Alan was not in possession of a weapon in his *hands or waistband area*. Alan was *lying face down with on the pillow, his arms out to the side*, and he was *wearing boxers with no T-shirt on*. Officer Obaidee advised Alan, "This is the police. Get up. We just want to talk to you." Alan was *uncooperative and didn't respond* (**Debriefing Point No. 1**).

Note: The FID investigation determined that Officer Obaidee removed the blanket from Alan's torso to expose his rear waistband. Shortly after, G. Flores was allowed to enter the room and proceeded to remove the blanket entirely from Alan's person.

According to Officer Huerta, while Alan was *laying down face down on the pillow*, his *hands were underneath the pillow*, and the *blanket on top of him*. While speaking with Benjamin, G. Flores walked into the room, *walked over to Alan and, grabbed the blanket*. G. Flores verbally *tried to get Alan up*. Alan *still stayed on the ground with his head buried in the pillow* (**Debriefing Point No. 2**).

Note: The FID investigation revealed that BWV depicted Officer Obaidee asking, "What is it that she would like us to do." Benjamin translated for G. Flores and advised that G. Flores wanted Alan placed under arrest.

⁵ Benjamin Aparicio Jr. will herein be referred to as Benjamin.

According to Officer Obaidee, he again asked Benjamin what had occurred to which Benjamin replied, "They got into a fight." Benjamin *pointed again at the male* and Victim Aparicio. Officer Obaidee advised Officer Huerta, "Let's take him into custody." Officer Obaidee provided direction to Officer Huerta to *grab Alan's left arm* as it was his intention to *stand Alan up and handcuff him because his front waistband had not been cleared yet.* (**Additional Tactical Debrief Topic – Handcuffing Procedures**).

Officer Obaidee bent over and *grabbed Alan's right wrist with his right hand.* In response to Officer Obaidee's actions, Alan stood up in a *very fast motion and pulled his arms inward in a tightening motion, to prevent from being handcuffed.* Officer Obaidee utilized a firm grip and physical force on Alan's *right arm and attempted to put his hands behind his back.* Alan resisted the officers' attempt to take him into custody by *swinging his arm and pulling away* (**Non-Lethal Use of Force**).

Note: The FID investigation review of Officer Obaidee's BWV revealed that Officer Obaidee placed his left hand on Alan's right shoulder and ordered him to "relax" as Alan stood and pulled away from the officers.

According to Officer Huerta, Alan was laying on the floor when they attempted to *place Alan's arms behind his back and cuff him up.* Alan *began to fight back and resist. As he got up, he had a lot of sweat on him, so when he shifted his weight to the right.* Officer Huerta *lost grip of Alan's left arm as he started going towards Officer Obaidee.* Alan was moving his arm *back and forth trying to prevent Officer Huerta from gaining control of him.* Alan then charged Officer Obaidee and took Officer Obaidee down onto a bed by tackling him. Alan kicked and used his *bodyweight* in an attempt to *get on top of Officer Obaidee.* Officer Huerta grabbed Alan's waist and was *trying to pull him off Officer Obaidee* when Officer Obaidee advised Officer Huerta to "call in a backup." Officer Huerta *requested a backup* and continued to pull Alan away from Officer Obaidee (**Non-Lethal Use of Force**).

Note: The investigation revealed that both officers' BWV became dislodged from their uniforms during the physical struggle with Alan. The camera view on Officer Obaidee's BWV was obstructed by a blanket, however, the audio was still functioning. Officer Huerta had not activated his BWV by this time.

According to Officer Obaidee, when he fell on the bed, Alan was *on top of him facing him.* Officer Obaidee was on his *back halfway sitting up* on the bed and Alan's head and upper body were on the right side of his torso, *under his armpit,* on the side of Officer Obaidee's service pistol. Officer Obaidee directed Officer Huerta to request a backup, and Officer Huerta did so. Simultaneously, Officer Obaidee *felt pulling on his service pistol and heard the snap of his holster open.* Officer Obaidee believed that Alan was attempting to *disarm him in order to shoot him or his partner.* Officer Obaidee placed his *arm around the back of Alan's neck,* then placed his *left palm to his right palm and applied pressure to Alan's carotid artery.* Officer Obaidee, in conjunction with the CRCH, lifted his *hips off the bed* to create additional pressure in a *reverse carotid control hold.* Officer Obaidee maintained the CRCH for *approximately two to three*

seconds until Alan stopped resisting and his body relaxed. Alan had gone unconscious (Lethal Use of Force).

According to Officer Huerta, during the struggle he observed Alan's *hands in the general vicinity of Officer Obaidee's waist/Sam Browne area*, but not on Officer Obaidee's service pistol

Note: The FID investigation revealed that at the time of the incident, Officer Obaidee deployed in the field utilizing a double retention swivel holster for his service pistol.⁶

According to Officer Obaidee, the CRCH was his *only option to defend himself. No other option or force option would have been feasible at the time*, nor did he have *time* to inform Officer Huerta of Alan's deadly actions (**Debriefing Point No. 3**).

According to Officer Huerta, as Alan was *on top* of Officer Obaidee, he saw Alan's *head under Officer Obaidee's arm*; however, he was unaware that Alan may have attempted to gain control of Officer Obaidee's service pistol. Officer Huerta wrapped both of his *arms* around Alan's *waist from behind* and utilized physical force to pull Alan off of Officer Obaidee. Officer Huerta utilized bodyweight with his *right leg* on both of Alan's *hamstrings* and his *left arm on Alan's left elbow* to take him into custody. Officer Huerta maintained this final position for approximately two minutes until additional resources arrived (**Non-Lethal Use of Force**).

According to Officer Obaidee, as Officer Huerta pulled on Alan's waist, Officer Obaidee utilized physical force and *pushed* Alan in his *shoulder area*. With their combined efforts, the officers were able to get Alan off of Officer Obaidee and onto the floor. Alan *landed* on the floor and Officers Obaidee and Huerta attempted to place Alan in a prone position. Officer Obaidee directed Alan to, "Roll over onto your stomach." However, Alan rose to his knees, to which Officer Obaidee opined was an attempt by Alan to stand up. Officer Obaidee utilized a firm grip with his left hand on Alan's *right leg*. Officer Obaidee used physical force and *bodyweight* to pull Alan's leg and keep him on the floor. Alan ended up on his left side, *swinging his arms*. To stop Alan's actions and to overcome his resistance, Officer Obaidee utilized his *right knee* to strike Alan in his *right rib area*. Alan *continued to fight* the officers. Officer Obaidee then struck Alan with his *right elbow two times in his back* and punched Alan one time in his *right rib area* with his right hand which was the final strike and appeared to be effective in stopping Alan's active resistance. Officer Obaidee utilized a firm grip on Alan's right wrist, while he simultaneously applied bodyweight with his right knee to Alan's upper back near his shoulder to prevent Alan from flinging his legs (**Non-Lethal Use of Force**).

According to Officer Obaidee, Officer Huerta *handcuffed* Alan while Alan was on his *stomach*. To *prevent* Alan from *hurting himself or the officers*, Officer Obaidee maintained a *firm grip with his left hand on Alan's left wrist* and held Alan in a prone position with bodyweight on

⁶ A double retention holster utilizes two features to secure the service pistol in the holster. Officer Obaidee's holster had two snaps which secured his service pistol. The swivel feature places the holster lower, below the belt, and pivots to allow the holster to swivel. This style of holster is approved by the Department.

Alan's right shoulder area as the officers awaited the arrival of additional units. Officers waited for *approximately two to four minutes* before backup arrived and did not *want to risk* moving Alan *before additional units arrived* due to Alan's *behavior*. Officer Obaidee believed that Alan was *probably under the influence of* Phencyclidine (PCP) or methamphetamine. Officer Obaidee attempted to broadcast on his handheld radio, but received no response (**Debriefing Points No. 2 and 3**).

Note: The FID investigation revealed that Officer Obaidee's handheld radio was not set to the Southwest Area Frequency.

The FID investigation revealed that the initial physical contact between the officers and Alan occurred at approximately 19:13 hours.

Sergeants J. Cohen, Serial No. 38352, and G. Ruiz, Serial No. 37498, Southeast Patrol Division, along with Sergeant R. Gonzalez, Serial No. 38572, 77th Street Patrol Division, were on loan to Southwest Patrol Division and arrived in response to the officer's backup request. The FID investigation determined that Sergeants Cohen, Ruiz, and Gonzalez arrived at approximately 19:17 hours (**Additional/Equipment – BWV Activation**).

Sergeant Gonzalez broadcast a Code Four on his handheld radio, and managed responding resources.

Sergeant Cohen initially believed that the incident was a Non-Categorical Use of Force (NCUOF) and initiated an investigation of the incident. At approximately 19:21 hours, Officer Obaidee informed Sergeant Cohen of the application of the CRCH. Sergeant Cohen then made notifications to the Southwest Patrol Division Watch Commander. Sergeant Cohen directed Officers Obaidee and Huerta not to discuss the incident and acted as the Incident Commander (IC) without declaring herself as the IC. After a delay, Sergeant Cohen ensured that Officers Obaidee and Huerta were separated and monitored. Additionally, Sergeant Cohen obtained a Public Safety Statement (PSS) from Officer Obaidee and transported him to Southwest Community Police Station (**Command and Control and Additional – Post Categorical Use of Force Protocols**).

Sergeant Gonzalez monitored Officer Huerta and obtained a partial PSS from him. Sergeant Gonzalez attempted to complete the PSS from memory and changed the first question to confirm if Obaidee had been involved in a Categorical Use of Force (CUOF). Sergeant Gonzalez later transported Officer Huerta to Southwest Community Police Station.

Sergeant Ruiz ordered Officer Huerta not to discuss the incident and maintained the crime scene until relieved by FID investigators.

Los Angeles Fire Department (LAFD), Rescue Ambulance (RA) No. 846, staffed by Firefighter/Emergency Medical Technicians (FF/EMT) Jerome Steward, Serial No. 394266, and

Jong Park, Serial No. 385110, arrived at scene and rendered aid to Alan. Upon their arrival, they were met by Officer E. Aramburo, Serial No. 38265, Southeast Patrol Division, who advised them that Alan was in custody and had been involved in a use of force with officers. Officer Aramburo advised that an officer had applied a CRCH, but did not advise that Alan had lost consciousness.

According to FF/EMT Steward, Alan was examined for the application of the CRCH and released back to the care of the officers. During the FID investigation, FF/EMT Steward stated that if they had been advised that Alan had lost consciousness during the incident, they would have requested LAFD paramedics respond to the scene.

Alan was later transported for booking at the 77th Jail Division Dispensary where he received additional medical assessment and care (**Additional – Post Categorical Use of Force Protocols**).

FINDINGS

Tactics – Administrative Disapproval, Officer Obaidee. Tactical Debrief, Officer Huerta.

Non-Lethal Use of Force – In Policy, No Further Action, Officers Obaidee and Huerta.

Lethal Use of Force – Out of Policy, Administrative Disapproval, Officer Obaidee.

ANALYSIS⁷

Detention

Officers Obaidee and Huerta received a radio call of a Battery Suspect There Now. The officers responded and were directed to Alan. The officers attempted to take Alan into custody. Alan physically resisted the officers resulting in applications of non-lethal force. According to Officer Obaidee, the incident further escalated wherein Alan attempted to gain control of Officer Obaidee's service pistol. Alan's actions resulted in an application of lethal force by Officer Obaidee, in the form of a CRCH. The officers' detention was within Department policies and procedures.

TACTICS

Department policy relative to a Tactical Debrief is: *"The collective review of an incident to identify those areas where actions and decisions were effective and those areas where actions and decisions could have been improved. The intent of a Tactical Debrief is to enhance future performance"* (Los Angeles Police Department Manual, Volume 3,

⁷ The analysis reflects my recommendations as supported by the preponderance of the evidence established by the investigation.

Section 792.05).

Department policy relative to Administrative Disapproval is: *"A finding, supported by a preponderance of the evidence that the tactics employed during a CUOF incident unjustifiably and substantially deviated from approved Department tactical training" (Los Angeles Police Department Manual, Volume 3, Section 792.05).*

The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

Tactical De-Escalation

Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation.

Tactical De-Escalation Techniques

- *Planning*
- *Assessment*
- *Time*
- *Redeployment and/or Containment*
- *Other Resources*
- *Lines of Communication (Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques)*

Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

Planning – Officers Obaidee and Huerta had been regular partners for three weeks. The officers discussed tactics daily throughout their shift and also while enroute to radio calls. In conjunction with discussions, the Officers also conducted self-directed training. The officers had a permanently assigned *contact and cover* responsibility due to Officer Huerta's limited experience. On the day of the incident, Officer Huerta was assigned as the cover officer, while Officer Obaidee was the contact officer. Officer Obaidee placed himself and Officer Huerta at a tactical disadvantage by not requesting a Spanish language translator once it was clear that his very limited capabilities did not suffice. A Spanish translator was critical to assisting him in determining the specific information related to the radio call, as well as any additional background information available to aid in planning their response. After locating Alan, Officer Obaidee provided direction to Officer Huerta concerning how to detain Alan even though officers were at a tactical disadvantage by not having full awareness or information on persons at

the location. Officer Obaidee's overall planning lacked depth and proactive engagement in the call to which they were assigned. As a result, he and his partner were at a disadvantage to effectively handle the situation.

Assessment – Officers Obaidee and Huerta were faced with a partial set of facts and an obvious language barrier upon arrival to the call location. The officers made contact with the caller, and briefly assessed the circumstances of the call, as neither of the officers were proficient in Spanish. The officers missed the critical opportunity to further assess the call when they made contact with a cooperative Victim Aparicio, due to their inability to communicate in Spanish. Victim Aparicio's injuries were fresh and significant. It was evident he had been involved in a violent confrontation, later determined to be with his son, Alan. There was no interview of Victim Aparicio at that point. Once again, at least in part due to the language barrier, key information could have been obtained. A second opportunity for significant information was lost. Upon contact with Alan, officers properly assessed the need for a backup when they were met with his violent resistance. However, had officers properly assessed the call, an additional unit would have most likely already been on scene which may have prevented and/or quickly assisted in overcoming any resistance.

Following the use of force upon Alan, the officers assessed his condition, and believed he was possibly under the influence of narcotics and needed medical attention.

Officers Obaidee and Huerta also believed that after Alan was handcuffed, moving him may further incite additional resistance; thus, they maintained control of him in one location until additional officers arrived. The officers used the lowest level of force that they determined to be necessary and continuously assessed their actions in an attempt to safely control Alan.

Personnel from the LAFD assessed Alan's condition after their arrival and provided timely, but limited medical treatment, due to the subsequent incomplete communication to LAFD personnel regarding the extent of the use of force.

Time – Officers Obaidee and Huerta were not faced with circumstances which warranted an immediate police response inside of the apartment as the generated call was Code Two and involved a "Battery Suspect There Now." Officers contacted the PR who appeared calm and composed, but only spoke Spanish. Officers did not take the time to request additional resources in an effort to fully bridge the language barrier and rushed into the building. When officers contacted other involved parties who also only spoke Spanish, the officers continued to move forward in handling the call. Officers did not heed the visible indications of a violent struggle between Victim Aparicio and Alan. Furthermore, the officers did not take time to pause and re-evaluate the nature of the call and conflict. When the officers were told where Alan was, officers did not request an additional unit. The officers quickly made contact and proceeded to make entry into Alan's bedroom and allowed Alan's mother, G. Flores, to assist in removing the blanket uncovering Alan, while in immediate proximity of Alan, who had already committed a violent assault against G. Flores' husband, Victim Aparicio. Officers did not use time to their

advantage to handle the call, which would have afforded greater control in the response and engagement with Alan.

Other Resources – Officer Huerta utilized his handheld radio to broadcast a request for a backup when Alan was on top of Officer Obaidee. This broadcast brought additional officers to the location who could assist in maintaining control of Alan. It would have been preferable for a broadcast of additional officers or a supervisor to be have been conducted earlier. Victim Aparicio had visible injuries and neither officer had sufficient language skills to interview the persons who were at the location of the incident before immersing themselves into the scenario. Officers Obaidee's and Huerta's observations of Alan's behavior indicated to them that Alan may have been under the influence of narcotics. In order to provide medical resources, an RA was requested to respond.

Lines of Communication – Officers Obaidee and Huerta struggled to open lines of communication with those involved in the incident. The officers missed the best opportunity to open those lines of communication by not requesting a Spanish speaking officer who would have been able to obtain more detailed information regarding the incident and Alan's mental health issues. It was their responsibility to make such a basic communication related request. Their decision instead, to move forward in handling the call without the knowledge or situational awareness needed for the safety of all created a series of concerning consequences.

In addition, Officer Obaidee severely limited the ability of Officer Huerta to assist him by not communicating to Officer Huerta his belief that Alan was attempting to or had attempted to gain control of his service pistol. Officer Obaidee's closest back up was his partner who he stated was two to three feet away in the room. Despite the proximity of his partner, Officer Obaidee communicated nothing regarding what he believed was an exigent life-threatening circumstance.

Officer Obaidee did not inform the on scene supervision, in a timely manner, that a CRCH was utilized or that the CRCH had rendered Alan unconscious. This failure to accurately communicate his actions in a timely manner delayed the Department required medical treatment and the level of care that Alan would have received from paramedics. In fact, although Officer Obaidee advised a supervisor later that Alan was rendered unconscious, this information was not relayed to LAFD personnel.

Note: According to the FID investigation, Alan was examined by Dr. Roland Lee of the 77th Street Regional Jail Dispensary, three hours after Officer Obaidee applied the CRCH which rendered him unconscious. Dr. Lee cleared Alan for booking upon completion of his examination.

During the review of the incident, the following Tactical Debriefing Points were noted:

Debriefing Point No. 1 Additional Unit Request

***Additional Unit Request:** An "Additional Unit" broadcast is when an officer requires an additional unit for a non-emergency situation. The officer requesting shall include the location, followed by the unit identification and all other pertinent information. An*

"additional unit" request is not an emergency call and responding officers shall obey all traffic laws when responding (Los Angeles Police Department Manual, Volume 4, Section 120.40).

Officers Obaidee and Huerta arrived on scene and were met by G. Flores who only spoke Spanish. Neither officer was able to fully communicate with or understand her. Officers were only able to translate minimal portions of information and were missing vital elements concerning the facts of this case and officer safety aspects. As a result of their minimal understanding of Spanish, the officers were not aware that the suspect, Alan, was related to Victim Aparicio, and that Alan was a resident in the apartment. A critical piece of information that was missing was that Alan suffered from a history of problems related to mental health challenges. The officers were also not aware that another family member, Benjamin, was also present in the apartment.

Although officers are given discretion regarding the appropriate time to broadcast, a request for an additional unit, it would have been tactically advantageous, based on the officers limited Spanish speaking ability, to request an additional Spanish speaking unit to obtain vital information from G. Flores.

In this case, the officers had the time and opportunity to wait for an additional unit to respond and time to contact, even telephonically, other resources, such as the Mental Evaluation Unit (MEU), prior to entering the apartment or initiating contact with Alan. Each of these actions which would have been tactically advantageous.

The UOFRB opined, and I concur, that it would have been prudent to request an additional unit based on the domestic nature of the radio call, along with the clear and declared (by Officer Obaidee himself on BWV) language barrier present prior to entering the apartment.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that while identified as an area for needed improvement due to missed critical opportunities, poor judgement, and substandard communication with persons at the radio call, in this instance, the officers' actions minimally met the standard for the Department's tactical training. Even though I have concerns regarding the officers' actions, the officers did not significantly deviate from approved Department tactical training. However, in an effort to enhance future performance, I will direct that this be a topic of discussion during the Tactical Debrief.

Debriefing Point No. 2 Situational Awareness (Substantial Deviation – Officer Obaidee)

No matter what patrol strategy is deployed, officers on patrol must rely on their own observation and perception skills. Officers must function as trained observers. Officers on patrol are expected to practice disciplined observation and apply their training and experience to accurately perceive what is occurring or is about to occur.

To an officer, observation means the ability to gather information by noting facts or occurrences with a heightened sense of awareness. While on patrol, officers must use not only their eyes, but all of their senses including hearing, smell, etc., to obtain information from the outside world. Observation can be enhanced by training (knowing what to look for), experience (knowing where and when to look for it), a variety of special tools (e.g., binoculars, night vision scopes, etc.) (California Commission on Peace Officer Standards and Training, Learning Domain No. 21).

Officer Obaidee had an insufficient amount of awareness of the situation into which he was entering, impacting his overall control. Beginning from the initial contact with G. Flores, Officer Obaidee was complacent, failing to develop information needed to clarify details for a thorough investigation. Officer Obaidee settled for basic facts and rushed into a situation where he was not proficient in the language. Officer Obaidee did not attempt to request additional resources, in the form of a Spanish speaking officer, in an attempt to complete a preliminary investigation of the incident. Officer Obaidee was also partnered with an employee still reliant on his guidance, due to having minimal field experience.⁸

The UOFRB noted that Officer Obaidee appeared to have pre-judged the incident, making a statement regarding “mutual combat” which indicated a mindset that this incident may result in an offer to all involved parties for a Private Person’s Arrest. Officer Obaidee lacked sufficient resources to make a proper determination of the nature and type of incident that he was investigating. This radio call for service involved family violence and posed a potential danger of family members engaging themselves into the incident as the officers conducted their investigation.

It is imperative that officers, during rapidly unfolding tactical situations, maintain situational awareness allowing them to multi-task in order to successfully resolve the incident without increasing the risk of harm to themselves or their partners. In this case, Officer Obaidee followed G. Flores into an apartment with minimal information and missing facts. Once inside the apartment, Officer Obaidee encountered two witnesses and/or possible suspects. Officer Obaidee clearly observed that Victim Aparicio was injured based on the facial bruising, but did not interview or question Victim Aparicio to further the investigation. Officer Obaidee had only been able to obtain minimal details and did not know who the suspect was amongst the numerous persons at the location. Officer Obaidee subsequently left Victim Aparicio unhandcuffed to move about freely even though he appeared to have been engaged in a physical altercation.

⁸ Officer Obaidee was a tenured Field Training Officer of two years, six months at the time of this incident. Officer Huerta had completed academy training three weeks prior to this incident.

Officer Obaidee then entered a room where he observed two additional males, Benjamin, who was standing, and Alan, who was lying covered and face down on the ground. Officer Obaidee again had no facts, nor did he positively know if Benjamin was involved in the battery. Furthermore, Officer Obaidee allowed Benjamin to remain in the room to move about freely as he dealt with Alan.

A review of BWV showed Benjamin to be only minimally interactive or interested in assisting the officers with the investigation, a potential issue and officer safety risk. Officer Obaidee also allowed G. Flores to enter the room and approach Alan, removing a blanket that was covering him.

The UOFRB discussed the complacency of Officer Obaidee throughout the radio call which was concerning and led to an under estimation of the situation. The UOFRB opined, that based on the displayed assumptions of Officer Obaidee, he minimized the potential risk of the radio call and the associated danger. Officer Obaidee proceeded with the radio call with a void of information. Officer Obaidee allowed G. Flores to actively engage herself in the incident to the point where she could have been injured. Officer Obaidee also developed little, if any, background on the fresh and substantial injuries to Victim Aparicio which were later determined to have been sustained as a result of the violent assault from Alan. The vital language assistance which a Spanish speaking officer on scene could have provided is clear. Clear Spanish communication would have provided critical information that would have prevented the officers from placing themselves in a tactical disadvantage.

Additionally, Officer Obaidee was unaware that his hand-held radio was not on Southwest Area base frequency. Obaidee had limited control of the situation and placed himself and Officer Huerta at a tactical disadvantage.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that Officers Obaidee's lack of situational awareness substantially, and unjustifiably, deviated from approved Department tactical training. I will direct that this be a topic of discussion during the Tactical Debrief.

Debriefing Point No. 3 Tactical Communication and Planning
(Substantial Deviation – Officer Obaidee)

Officers are trained to work together and function as a team. In order to ensure officer safety and help ensure an appropriate outcome, the primary officers and cover officers must effectively communicate with one another. Appropriate communication involves advising the primary officer of any critical occurrences or safety issues (California Commission on Peace Officers Standards and Training, Learning Domain No. 22).

Officers must approach every contact with officer safety in mind. Complacency, overconfidence, poor planning, or inappropriate positioning can leave officers vulnerable to attack (California Commission on Peace Officer Standards and Training, Learning Domain 21).

On multiple occasions throughout the incident, Officer Obaidee did not effectively communicate his perception of Alan's deadly actions with Officer Huerta, supervisors, or with responding units.

Operational success is based on the ability of officers to effectively communicate during critical incidents. Officers, when faced with a tactical incident, improve their overall safety by their ability to recognize an unsafe situation and work collectively to ensure a successful resolution.

In this case, during the struggle to take Alan into custody, Officer Obaidee did not communicate with Officer Huerta his belief that Alan was attempting to or had attempted to gain control of his service pistol; he only advised Officer Huerta to request a backup. Even immediately after the application of the CRCH, Officer Obaidee did not advise Officer Huerta that he believed Alan had attempted to take his service pistol during the struggle. Additionally, Officer Obaidee did not inform the on-scene supervisors in a timely manner that a CRCH was utilized or that the CRCH rendered Alan unconscious which delayed the Department required medical treatment.

The information regarding Alan's attempt to take Officer Obaidee's service pistol was only known to Officer Obaidee, who did not communicate it to any other personnel in a timely manner. The lack of information about Alan's level of violence put Officer Huerta and the responding officers at a distinct tactical disadvantage. Officer Obaidee was aware of important information related to a life-endangering circumstance, and did not communicate it in a timely manner to any other personnel. The UOFRB noted that Officer Huerta involved himself in the application of force during the officers' attempts to control Alan. Officer Huerta demonstrated a willingness to be engaged in the incident, but would have benefitted tremendously from information, direction, and coordination from Officer Obaidee.

During the UOFRB, Department Subject Matter Experts (SME) from the Arrest and Control (ARCON) and the Physical Training Self-Defense units were present and provided information on Department training. The SMEs presented that when faced with exigent life threatening circumstances, such as what Officer Obaidee was faced with, regarding Alan attempting to take Officer Obaidee's service pistol, Department training was to verbally alert the partner officer. This would allow for the partner officer to render immediate aid and for the officers to coordinate their actions together, an action Officer Obaidee failed to do.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that Officer Obaidee's actions were a substantial deviation, without justification, from approved Department tactical training. I will direct this be a topic of discussion during the Tactical Debrief.

Additional Tactical Debrief Topic

Handcuffing Procedures – The investigation revealed that Officers Obaidee and Huerta, prior to their attempt to handcuff Alan, even though his hands were visible on the mattress, wanted to have Alan stand to clear his front waistband. Officers gave Alan directions to wake up. Alan

provided no response to their directions, stood up, and began struggling with the officers. Officers were already in a position of advantage with Alan lying on the ground and are trained to utilize a position of advantage to safely handcuff a person. Although Alan appeared to have been non-confrontational at that time while lying on the ground, the incident rapidly escalated into a physical confrontation once Alan stood up. The officers are reminded that the primary purpose of handcuffing an arrestee is to maintain control and minimize the possibility of escalating the situation. I would have preferred that the officers had handcuffed Alan while he was already in a prone position on the floor, utilizing the Three Points of Contact handcuffing technique.⁹ I will direct that this be a topic of discussion during the tactical debrief

COMMAND AND CONTROL

Command and Control is the use of active leadership to direct others while using available resources to coordinate a response, accomplish tasks and minimize risk. Command uses active leadership to establish order, provide stability and structure, set objectives and create conditions under which the function of control can be achieved with minimal risk. Control implements the plan of action while continuously assessing the situation, making necessary adjustments, managing resources, managing the scope of the incident (containment), and evaluating whether existing Department protocols apply to the incident.

Command and Control is a process where designated personnel use active leadership to command others while using available resources to accomplish tasks and minimize risk. Active leadership provides clear, concise, and unambiguous communication to develop and implement a plan, direct personnel and manage resources. The senior officer or any person on scene who has gained sufficient situational awareness shall initiate Command and Control and develop a plan of action. Command and Control will provide direction, help manage resources, and make it possible to achieve the desired outcome. Early considerations of PATROL will assist with the Command and Control process (Los Angeles Police Department, Training Bulletin, Volume XLVII Issue 4, July 2018).

Sergeants Cohen, Ruiz, and Gonzalez arrived in response to the backup request, subsequent to the use of force.

No supervisor formally declared themselves as the Incident Commander (IC). The UOFRB noted that based on the activities which occurred at the incident, Sergeant Cohen would have been the most appropriate supervisor to declare herself as the IC. Although Sergeant Cohen's actions were consistent with an IC, I would have preferred that one of the sergeants had verbally declared themselves the IC.

Sergeant Gonzalez broadcast a Code Four on his handheld radio and managed responding resources. Sergeant Gonzalez monitored Officer Huerta and obtained a partial PSS from him. In

⁹ Three Points of Contact is a handcuffing technique where an officer makes physical contact of the suspect's back, elbow, and wrist to control the suspect and minimize the suspect's ability to physically resist the officer's attempt to handcuff them.

this case, due to the incident involving a CRCH, the full PSS was not required. Sergeant Gonzalez later transported Officer Huerta to Southwest Community Police Station¹⁰.

The actions of Sergeant Gonzalez was consistent with Department supervisory training and my expectations of field supervisors during a critical incident.

Sergeant Cohen made notifications to the Southwest Division Watch Commander about the subsequent CUOF. Sergeant Cohen directed Officers Obaidee and Huerta not to discuss the incident. Additionally, she monitored Officer Obaidee, obtained a PSS from him, and transported him to Southwest Community Police Station.

Sergeant Ruiz ordered Officer Huerta not to discuss the incident and maintained the crime scene until relieved by FID investigators.

The investigation revealed that Sergeants Cohen and Ruiz left Officers Obaidee and Huerta unmonitored for approximately five minutes after the incident had been identified as a CUOF. The separation and monitoring of personnel involved in a CUOF incident is critical to preserve the integrity of the investigation and public trust. In this case, there were no on-going tactical exigencies which prevented the separation and monitoring of Officers Obaidee and Huerta.

Additionally, Sergeant Cohen was advised that Alan had been rendered unconscious as a result of the CRCH and did not ensure that LAFD personnel were advised of this critical fact. Ultimately, due to lack of follow through by Sergeant Cohen, LAFD personnel were not advised that Alan had lost consciousness, which resulted in a lower level of medical assessment conducted on scene by LAFD personnel. Appropriate medical treatment is imperative and vital when a suspect is rendered unconscious. Sergeant Cohen should have insured that Alan received the appropriate medical assessment and care due to Officer Obaidee's actions by communicating directly with LAFD personnel as protocols have been established to address suspects who are rendered unconscious. The UOFRB noted that as a result of Sergeant Cohen's actions, it was approximately three hours after the time of the application of the CRCH that he was seen at the jail medical dispensary by the on-duty physician during the booking process.

The UOFRB noted that the incident appeared to have a lack of control by supervisors which resulted in the aforementioned issues related to the separation and monitoring of officers and the delay in an additional medical assessment of Alan for being rendered unconscious.

The actions of Sergeants Cohen and Ruiz were not consistent with Department supervisory training and my expectations of field supervisors during a critical incident. The actions of Sergeants Cohen and Ruiz significantly deviated from approved Department tactical training. However, in an effort to enhance future performance, I will direct that this be a topic of discussion during the Tactical Debrief.

¹⁰ Sergeant Gonzalez only provided a partial PSS due to his belief that the PSS did not address the use of a CRCH. Sergeant Gonzalez changed a question and omitted others.

The investigation revealed that Sergeant Cohen previously had post categorical UOF supervisory issues that addressed the control and separation of officers. This issue was brought to the attention of Captain E. Tingirides, Serial No. 31546, Commanding Officer, Southeast Patrol Division. Captain Tingirides addressed this issue through the generation of a personnel complaint. The Commanding Officer of OSB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

The investigation revealed that Sergeant Ruiz Previously had post categorical UOF supervisory issues that addressed the control and separation of officers. This issue was brought to the attention of Captain Tingirides. Captain Tingirides addressed this issue through the generation of a personnel complaint. The Commanding Officer of OSB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

Tactical Debrief

In conducting an objective assessment of this case, the UOFRB determined, and I concur, that the tactics utilized by Officer Obaidee substantially, and unjustifiably, deviated from approved Department tactical training, thus requiring a finding of Administrative Disapproval.

Each tactical incident also merits a comprehensive debriefing. In this case, there were identified areas where improvement could be made and a Tactical Debrief is the appropriate forum for the involved personnel to discuss individual actions that took place during this incident.

Although not identified as to be substantially involved personnel, Sergeants Cohen, Ruiz, and Gonzalez would benefit from the attendance of the Tactical Debrief to enhance future performance.

Therefore, I will direct that Sergeants Cohen, Ruiz and Gonzalez, along with Officers Obaidee and Huerta, attend a Tactical Debrief and that the specific identified topics are discussed.

Note: Additionally, the Tactical Debrief shall also include the following mandatory discussion points:

- Use of Force Policy;
- Equipment Required/Maintained;
- Radio and Tactical Communication (including Code Six);
- Tactical Planning;
- Tactical De-Escalation;
- Command and Control; and,
- Lethal Force.

General Training Update (GTU)

On June 13, 2019, Officers Obaidee and Huerta attended a GTU. All the mandatory topics were covered.

Use of Force – General

It is the policy of this Department that personnel may use only that force which is “objectively reasonable” to:

- *Defend themselves;*
- *Defend others;*
- *Effect an arrest or detention;*
- *Prevent escape; or,*
- *Overcome resistance (Los Angeles Police Department Manual, Volume 1, Section 556.10).*

The Department examines reasonableness using Graham v. Connor and from the articulated facts from the perspective of a Los Angeles Police Officer with similar training and experience placed in generally the same set of circumstances. In determining the appropriate level of force, officers shall evaluate each situation in light of facts and circumstances of each particular case. Those factors may include, but are not limited to:

- *The seriousness of the crime or suspected offense;*
- *The level of threat or resistance presented by the subject;*
- *Whether the subject was posing an immediate threat to officers or a danger to the community;*
- *The potential for injury to citizens, officers or subjects;*
- *The risk or apparent attempt by the subject to escape;*
- *The conduct of the subject being confronted (as reasonably perceived by the officer at the time);*
- *The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable;*
- *The availability of other resources;*
- *The training and experience of the officer;*
- *The proximity or access of weapons to the subject;*
- *Officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion and number officers versus subjects; and,*
- *The environmental factors and/or other exigent circumstances. (Los Angeles Police Department Manual, Volume 1, Section 556.10)*

Non-Lethal Use of Force

It is the policy of this Department that personnel may use only that force which is “objectively reasonable” to:

- *Defend themselves;*
- *Defend others;*
- *Effect an arrest or detention;*

- Prevent escape; or,
- Overcome resistance (*Los Angeles Police Department Manual, Volume 1, Section 556.10*).

Officer Obaidee – Firm Grip, Physical Force, Knee Strike, Elbow Strikes, Punch, and Bodyweight.

According to Officer Obaidee, he utilized a firm grip and physical force on Alan's right arm and attempted to put his hands behind his back. Alan resisted the officers attempt to take him into custody by swinging his arm and pulling away. Alan turned toward Officer Obaidee, and in a tackle motion, took Officer Obaidee down onto a bed. Alan was on top of Officer Obaidee and according to Officer Obaidee, Alan attempted to take his service pistol, resulting in the application of what Officer Obaidee termed a "reverse CRCH."¹¹ The application of the CRCH stopped Alan's initial resistance. Officer Obaidee utilized physical force to push Alan off him and onto the floor. As officers moved Alan to the floor, according to Officer Obaidee, the effects of the reverse CRCH quickly wore off as Alan regained his awareness. Alan rose to his knees in an attempt to stand up. Officer Obaidee utilized a firm grip with his left hand on Alan's right leg. Officer Obaidee used physical force and bodyweight to keep Alan on the floor. Alan was on his left side, swinging his arms. To stop Alan's actions and overcome his resistance, Officer Obaidee utilized his right knee to strike Alan in his right rib area. Alan continued to fight the officers. Officer Obaidee struck Alan with his right elbow two times in his back and punched him one time in his right rib area with his right hand. Officer Obaidee utilized a firm grip on Alan's right wrist, while he simultaneously applied bodyweight with his right knee to Alan's upper back near his shoulder to prevent him from flinging legs.

Officer Obaidee recalled,

I stepped over the suspect, told him to grab him -- grab his left arm. I grabbed the right arm as we attempted to put his hands behind his back. Made several attempts before that though to tell him to, "Hey, man. Get up. This is the police. We want to talk to you." He was noncompliant. As we tried to grab his wrists to put his hands behind his back, he started to tighten up and hold his arm. And multiple times I told him, "Hey, calm down. Calm down." And then he just pulled -- started pulling his arms away and started swinging his arms. And at some point, he ended up turning and going forward basically -- describing almost like somebody trying to tackle somebody. He turned and made that motion to me -- towards me causing me to kind of back up and end up on top of a bed.¹²

After I released it, I tried to push him off of the bed and he start -- he began again to start fighting and resisting and swinging his arms. At that time, I reached over with my left arm, grabbed his, I believe, his right leg. And with the assistance of body weight and my partner,

¹¹ Training Division provides instruction on the approved Department CRCH technique. The technique in which applied by Officer Obaidee is not a Department approved technique. Training Division does not provide instruction on the version of the CRCH applied by Officer Obaidee.

¹² Officer Obaidee, First Interview, Page 13, lines 4-20.

we were able to get him down on the ground on his side, but he was still swinging his arm. At that point I administered -- I believe it was a right knee to his right side of his body, which would be rib area. Again, constantly telling him to stop resisting, stop fighting. Continued to fight. Again, applied another elbow to his back. I think I actually applied two elbows to the back. Again, continued to verbalize, telling him to stop resisting, stop fighting. The same time I was attempting to try to grab ahold of his right arm to try to get control of the right arm obviously to eventually get him handcuffed, and he was still flinging his arms. I ended up punching him once in the right rib.¹³

And he was already off of me. We --I pushed him off of me so I can get off of the bed so I would no longer be in that --that position and he was already on the ground and then he started to get back up on his knees to again probably to get back up and that's when --why I grabbed his leg to get him back down on the ground.¹⁴

Well, the elbow strike from my right arm.¹⁵

We, again, administered body weight to his--to the upper part of his body with my right knee. My-- I can't recall--I don't recall if I administered the handcuffs or if my partner did. But as we placed the body weight, again, he was still flinging with his legs.¹⁶

Officer Huerta – Firm Grip, Physical Force, and Bodyweight.

According to Officer Huerta, he attempted to handcuff Alan who was laying on the floor. Alan stood up and pulled his left arm away from Officer Huerta's firm grip. Alan then charged at Officer Obaidee. Alan took Officer Obaidee down onto a bed. Alan kicked and used his bodyweight in an attempt to get on top of Officer Obaidee. To protect Officer Obaidee, Officer Huerta wrapped both of his arms around Alan's waist from behind and utilized physical force to pull him off his partner. Alan slid onto the floor. Officer Huerta then utilized bodyweight with his right leg on both of Alan's hamstrings and his left arm on Alan's left elbow place him in a prone position and take him into custody. Officer Huerta maintained this final position for approximately two minutes until additional resources arrived.

Officer Huerta recalled,

When we were trying to cuff him on the ground, he stood up and he started moving his arms, moving his body weight. Then when he got his arm away from me, that's when he clenched towards my partner.¹⁷

¹³ Officer Obaidee, First Interview, Page 14, lines 12-25 and Page 15, lines 1-7.

¹⁴ Officer Obaidee, Second Interview, Page 17, lines 16-21.

¹⁵ Officer Obaidee, Second Interview, Page 18, line 25 and Page 19, line 1.

¹⁶ Officer Obaidee, First Interview, Page 15, lines 23-25, and Page 16, lines 1-3.

¹⁷ Officer Huerta, First Interview, Page 12, lines 19-23.

*That was the left arm, the one I had control of before he slipped out of my hand.*¹⁸

*So that and just charging towards my partner, sir. I couldn't see what his hands were doing, but I just saw him like his legs were kind of kicking, his body weight continually moved toward my partner, that he was trying to get on top of him.*¹⁹

*Sir. So that was a combination of my partner pushing the suspect off of him as well as myself pulling the suspect off my partner. So that combination of the force to actually slide him off the bed onto the ground.*²⁰

*I was coming from behind the suspect.*²¹

*I had my arms around his waist pulling him tight and using my legs to create leverage to pull him away from my partner.*²²

*So, it would be my --my right leg was on both of his hamstrings to keep his legs pinned to the ground as well as using my --my left arm to keep his left elbow flat on the ground.*²³

*Estimate maybe two minutes.*²⁴

The UOFRB reviewed each application of non-lethal force utilized by Officers Obaidee and Huerta. Alan had escalated the incident when he was stood up by the officers by attempting to physically resist them. Alan charged Officer Obaidee, tackling and knocked him onto the bed. Throughout the incident, Alan continued to physically resist the officers.

The UOFRB discussed the officers' decision to maintain bodyweight on Alan while he was in the prone position and handcuffed. The UOFRB opined that due to the level of violence and continued resistance, along with the amount of time bodyweight was applied on Alan after he was handcuffed, the actions were reasonable.

Based upon the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officers Obaidee and Huerta, while faced with similar circumstances, would believe that the same applications of non-lethal force would be reasonable to overcome Alan's resistance while taking him into custody.

Therefore, I find Officers Obaidee and Huerta's Non-Lethal Use of Force to be objectively reasonable and In Policy, No Further Action.

¹⁸ Officer Huerta, First Interview, Page 13, lines 8-10.

¹⁹ Officer Huerta, First Interview, Page 13, lines 18-22.

²⁰ Officer Huerta, Second Interview, Page 4, lines 20-23.

²¹ Officer Huerta, First Interview, Page 31, lines 1-2.

²² Officer Huerta, Second Interview, Page 5, lines 9-11.

²³ Officer Huerta, Second Interview, Page 6, lines 6-9.

²⁴ Officer Huerta, Second Interview, Page 13, lines 5.

Lethal Use of Force

Law enforcement officers are authorized to use deadly force to:

- *Protect themselves or others from what is reasonably believed to be an imminent threat of death or serious bodily injury; or,*
- *Prevent a crime where the subject's actions place person(s) in imminent jeopardy of death or serious bodily injury; or,*
- *Prevent the escape of a violent fleeing felon when there is probable cause to believe the escape will pose a significant threat of death or serious bodily injury to the officer or others if apprehension is delayed. In this circumstance, officers shall, to the extent practical, avoid using deadly force that might subject innocent bystanders or hostages to possible death or injury (Los Angeles Police Department Manual, Volume 1, Section 556.10).*

Officer Obaidee – Carotid Restraint Control Hold

After officers initially tried to stand Alan up from the floor before handcuffing him, Alan became violently resistant and freed himself from Officer Huerta's firm grip. Alan turned his attention toward Obaidee and tackled him driving the officer on to his back on to a nearby bed with Alan on top of him.

According to Officer Obaidee, Alan was on top of him facing him. Officer Obaidee was on his back halfway sitting up on the bed and Alan's head and upper body were on the right side of his torso, under his armpit, on his service pistol side. Officer Obaidee then felt pulling on his service pistol and heard the snap of his holster open. Officer Obaidee believed that Alan was attempting to disarm him in order to shoot him or his partner, Officer Huerta. To stop Alan's deadly actions, Officer Obaidee placed his arm around the back Alan's neck then placed his left palm to his right palm and applied pressure to Alan's carotid artery. Officer Obaidee in conjunction with the CRCH, lifted his hips off the bed to create additional pressure in what Officer Obaidee described as a "reverse carotid control hold." Officer Obaidee maintained the CRCH for approximately two to three seconds until Alan stopped resisting and his body relaxed. Officer Obaidee recalled,

As he's putting out the backup is when I felt someone pulling at my gun. And as he's pulling - as I felt the gun being pulled, I heard my snap, because I have a double retention holster. So, I heard the snap. That's when I -- that's when I determined that he's probably try -- attempting to disarm me. I immediately placed the reverse carotid restraint hold approximately two to three seconds. After applying that assumption at that time, he went unconscious, because he stopped resisting and his body kind of just relaxed.²⁵

My left hand went palm to palm with my right hand as I applied pressure to the carotid.²⁶

²⁵ Officer Obaidee, First Interview, Page 13, lines 23-25 and Page 14, lines 1-9.

²⁶ Officer Obaidee, Third Interview, Page 2, lines 22-23.

Well, my elbow will be -- will be downward. I guess, it wouldn't be downward. I guess, it would be kind of -- it would be in the direction of the right portion the direction of where my arm was. It's kind of hard to explain. Because basically, it looks like a headlock but it's like a headlock but with somebody facing you. Normally, a headlock is administered if someone's behind you. In this case he was in front of me and then the headlock is almost looks like it's reversed.²⁷

Based on the positioning that I was I was on -- in like a modified on my back on my butt kind of sitting up halfway position and the suspect was on top of me. And as he was on top of me, I was able to put my arm around his neck but facing downward and that's where my right forearm went across his throat. And when I talk about bridging up, I mean I basically I lift my hips from off of the -- the bed upward and that's what creates that pressure.²⁸

So yeah, it would be his left side and it will be the inner portion of my forearm.²⁹

He possibly would have disarmed me and taken my gun. And then probably shoot me and my partner.³⁰

The UOFRB noted that there was no clear video evidence, witness statements, or physical evidence which portrayed the circumstances immediately leading up to, during, and after the CRCH. The UOFRB noted that Officer Huerta did not observe Alan reaching for Officer Obaidee's service pistol, nor did he hear Officer Obaidee's holster unsnap. Officer Huerta stated that he observed Alan's "hands moving in kind of that general direction," when asked by FID investigators if he had observed Alan's hands around Officer Obaidee's waist.³¹ Officer Huerta further stated that he could not observe Alan's hands, but they "looked like they were around his Sam Browne or around his waist or punching him (Officer Obaidee)."³²

The UOFRB was extremely concerned about Officer Obaidee's actions during the time he applied the CRCH. Officer Obaidee did not alert Officer Huerta of what Officer Obaidee believed was Alan's attempt to remove his service pistol. Officer Obaidee did not immediately advise the responding supervisors that Alan had attempted to disarm him or that he had applied a reverse CRCH to Alan. According to Officer Obaidee, Alan had attempted to remove Officer Obaidee's service pistol from his holster with the apparent intent to shoot him and Officer Huerta. Officer Obaidee was concerned that Alan was taking his service pistol to use it against him or his partner.³³ This critical information, related to a life endangering circumstance, was not relayed to Officer Huerta or to the responding personnel in timely manner.

²⁷ Officer Obaidee, Second Interview, Page 7, lines 8-17.

²⁸ Officer Obaidee, Second Interview, Page 6, lines 2-9.

²⁹ Officer Obaidee, Second Interview, Page 14, lines 4-6.

³⁰ Officer Obaidee, First Interview, Page 55, lines 9-10.

³¹ Officer Huerta, Page 47, line 4 and 5.

³² The term "Sam Browne" refers a duty equipment belt.

³³ Officer Obaidee, First Interview, Page 54, lines 22-23.

Officer Obaidee also was unable to clearly articulate his actions, requiring multiple interviews with FID investigators. The UOFRB noted that during these interviews, Officer Obaidee stated that he had been training regularly for the last two years, and occasionally over the last three to five years in the martial art of Jiu Jitsu. According to Officer Obaidee, he had received the certification level of “blue belt” in Jiu Jitsu.³⁴ Despite his additional training, Officer Obaidee had difficulty articulating the CRCH technique that he had applied to Alan, along with the locations of the carotid arteries. It was not until Alan reviewed the Department training bulletin concerning the CRCH that he was able to fully describe his actions and application of the reverse CRCH which he applied. Additionally, Officer Obaidee utilized a form of the CRCH technique that is not taught in approved Department training. The UOFRB reviewed all available evidence, statements, and the FID investigation and determined that the circumstances of the incident were unclear and did not appear to rise to the level where lethal force was necessary or justified.

Officer Obaidee did not coordinate with his partner, Officer Huerta during the use of force with Alan. Officer Huerta was immediately engaged in the use of force and was available to utilize other force options if Officer Obaidee had advised to do so. By Officer Obaidee not advising Officer Huerta of the perceived attempt of Alan to disarm him, Officer Obaidee did not use a valuable resource that was immediately available. Officer Obaidee had the opportunity to communicate with Officer Huerta who was available to work in a coordinated manner to apply alternative force options. The UOFRB considered that Officer Obaidee’s application of the CRCH, a form of lethal force, was not a last resort.

During the UOFRB, Department SMEs from the ARCON and the Physical Training Self-Defense units were present during the UOFRB and provided information on the CRCH technique utilized by Officer Obaidee. While the reverse CRCH technique utilized by Officer Obaidee is not taught during Department training, the effects of the reverse CRCH will yield the same effects upon application as the CRCH technique that is taught during Department training. Additionally, the Department instructed application of the CRCH places the officer behind the suspect and affords a level of increased officer safety. However, the reverse CRCH as applied by Officer Obaidee held Alan on the side of Officer Obaidee’s service pistol which further exposed Officer Obaidee to the violence of Alan.

The ARCON SMEs evaluated the specific type of holster which Officer Obaidee was equipped with during the incident. During their evaluation, the ARCON SMEs presented that even though Officer Obaidee’s holster was designed as a double-retention holster, no holster is totally secure from a suspect’s attempts to unholster an officer’s service pistol.³⁵

³⁴ Officer Obaidee, First Interview, Page 21, line 24.

³⁵ Criminalist II R. Broderick, Serial No. N3398, Forensic Sciences Division (FSD), conducted an analysis of Deoxyribonucleic Acid (DNA) swabs collected from Officer Obaidee’s service pistol, holster, and handcuff and ammunition pouches. The swab collected from the top portion and snap of Officer Obaidee’s holster did not match Alan’s DNA profile. The swabs collected from the handcuff and magazine pouches were unsuitable for interpretation. The swab collected from Officer Obaidee’s service pistol and the lower portion of his gun holster contained insufficient amounts of DNA. Therefore, these swabs were not analyzed.

Additionally, during the UOFRB, the ARCON SMEs presented that during situations where a suspect is attempting to disarm an officer by taking their firearm, Department training is to immediately notify the partner officer of the situation and then coordinate together to safely resolve the incident. A preferable tactic is for the partner officer to restrain the suspect or to physically pull the suspect away from the officer whom the suspect was attempting to disarm. The UOFRB noted that Officer Obaidee failed to notify his partner of what he believed was Alan's attempt to disarm him. By not coordinating with his partner, Officer Obaidee did not utilize an additional resource that was immediately available to him, his partner officer.

The UOFRB and I conducted a comprehensive evaluation of the totality of circumstances related to the Use of Lethal Force by Officer Obaidee. The UOFRB noted that the preponderance of evidence does not support the assertion by Officer Obaidee that the incident escalated to the point that the Use of Lethal Force would be justified. Officer Obaidee's training in Jiu Jitsu afforded him additional physical force options and techniques which he did not utilize. Additionally, Officer Obaidee failed to utilize an additional resource, his partner, who was immediately available. Instead he applied a CRCH on the suspect. Officer Obaidee's lack of verbalization during and after the incident were inconsistent with the actions of an officer who had been involved in a life endangering physical altercation with a suspect.

Based on the totality of the circumstances, the UOFRB, determined and I concur, that an officer with similar training and experience as Officer Obaidee would not reasonably believe that the suspect's actions presented an imminent threat of death or serious bodily injury and that the Use of Lethal Force by Officer Obaidee was unreasonable.

Therefore, I find Officer Obaidee Use of Lethal Force to be Out of Policy, Administrative Disapproval.

Additional/Equipment

Required Equipment – The investigation revealed that Officer Obaidee was not in possession of his Oleoresin Capsicum spray or his Hobble Restraint Device at the time of the incident. This issue was brought to the attention of Captain E. Tingirides, Serial No. 31546, Commanding Officer, Southeast Patrol Division. Captain Tingirides addressed this issue through the generation of a Supervisory Action Item (SAI) and divisional training which was entered into the Learning Management System (LMS). The Commanding Officer of Operations - South Bureau (OSB) and the Director of the Office of Operations (OO) concurred with this action. As such, I deem no further action is necessary.

Post Categorical Use of Force Protocols – The investigation revealed that Sergeants Cohen and Ruiz left Officers Obaidee and Huerta unmonitored for approximately five minutes after the incident had been identified as CUOF. Additionally, the RA was not advised that Alan had lost consciousness. These issues were brought to the attention of Captain Tingirides, who addressed them through the generation of SAIs for both Sergeants Cohen and Ruiz, and divisional training which were entered into the LMS. The Commanding Officer of OSB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

Late Department Operations Center (DOC) Notification – The FID investigation revealed that the DOC was notified approximately 80 minutes after the incident occurred. Sergeant Cohen, along with the Southwest Patrol Division Watch Commander, worked to verify if Officer Obaidee's use of force was indeed a CUOF. Once the inquiry was completed and it was determined to be a CUOF incident, the DOC was notified within the 30-minute requirement.

Body Worn Video Activation – The investigation revealed that Officer Huerta did not activate his BWV until after the UOF had occurred. However, Officer Huerta was within the 90-day transition period for BWV acclimation. This issue was brought to the attention of Captain Tingirides. Captain Tingirides addressed this issue through the generation of a SAI, and divisional training which was entered into the LMS. The Commanding Officer of OSB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

Sergeant Cohen did not activate her BWV during her Code Three response to this incident. This issue was brought to the attention of Captain Tingirides. Captain Tingirides directed an analysis of Sergeant Cohen's previous history with BWV and determined that Sergeant Cohen did not have any prior incidents related to issues of BWV. Captain Tingirides addressed this issue through the issuance of an Employee Comment Sheet, the generation of a SAI, and divisional training which was entered into the LMS. The Commanding Officer of OSB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

Sergeant Gonzalez was not in possession of his BWV device while in the field. Sergeant Gonzalez stated that he had responded to his assignment on loan to Southwest Patrol Division from 77th Community Police Station and had forgotten to bring his BWV with him. This issue was brought to the attention of Captain M. Odle, Serial No. 22369, Commanding Officer, 77th Street Patrol Division. Captain Odle directed an analysis of Sergeant Gonzalez' previous history with BWV and determined that Sergeant Gonzalez did not have any prior incidents related to issues of BWV. Captain Odle addressed the issue through informal counseling, the generation of an SAI, and an entry into the LMS. The Commanding Officer of OSB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

Audio/Video Recordings

Digital In-Car Video System (DICVS) – Southeast Patrol Division's police vehicles were equipped with DICV at the time of the incident. However, none captured the use of force.

Body Worn Video – Southeast Patrol Division officers were equipped with BWV at the time of the incident. Officers Obaidee BWV captured the initial contact with Alan and a portion of the use of force. Officer Huerta did not activate his BWV until after the UOF occurred. However, during the use of force, both officers' BWVs were dislodged from their uniforms. The responding patrol sergeants and officers activated their BWVs in response to this incident. However, none captured the use of force.

Outside Video – No outside video surveillance captured the incident.

Chief's Direction – To enhance the future performance of the Department, I have advised the Director of the Office of Support Services (OSS) to conduct an evaluation of the curriculum, certification process, and training updates for both the Field Training Officer School and the Supervisory School. This incident highlighted some areas of improvement in the performance and understanding of FTOs with regard to the designation of responsibilities and roles, specifically related to contact and cover, and the utilization of force options. This incident also highlighted the necessity that supervisors have a comprehensive understanding of the identification of CUOF incidents and the subsequent policy and procedures of handling such incidents. The evaluation of both training programs has already been in progress, with the evaluation of Supervisory School already completed and FTO School pending completion.

Respectfully,



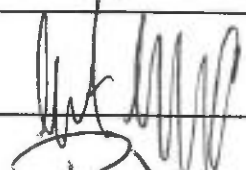



MICHEL R. MOORE
Chief of Police

Date: 4-2-20

LOS ANGELES POLICE DEPARTMENT
USE OF FORCE REVIEW BOARD REPORT

INC No. 024-19	CF No.	DR No. 19-0314269
CRCH		

REVIEW BOARD INFORMATION

Location of Incident 4223 S Hoover Street, Apartment 6	RD 396	Date of Incident June 04, 2019	Date and Time of Board Review March 09, 2020 12:30 Hours
Chair Assistant Chief B. Girmala, Serial No. 24916	Signature of Approving Board Members:		
Member (Office Representative) Commander M. Rimkunas, Serial No. 32211			
Member (Police Sciences and Training Bureau) Commander R. Flores, Serial No. 30995			
Member (Bureau) Commander E. Eskridge, Serial No. 24585			
Member (Peer) Officer B. Kelly, Serial No. 32463			
Presenting Commanding Officer Captain E. Tingirides, Serial No. 31546	 31546		
Notes:			
Additional Considerations:			
Modification to Present Policy, Practices or Training:			
<div style="text-align: right;"> <input checked="" type="checkbox"/> COP Date Signed: <u>4.2.20</u> <input type="checkbox"/> PC Date Submitted: _____ </div>			

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OFFICE OF THE INSPECTOR GENERAL

RECEIVED
POLICE COMMISSION
2020 APR -3 AM 8:19

Employee (Last Name, First, Middle) Huerta, Ricardo		Serial No. 43801	Rank/Class Police Officer I	Incident No. 024-19
Length of Employment 0 years, 6 months	Current Division Southeast		Time in Current Division 3 weeks, 2 days	
Use of Force Review Board		Chief of Police		Police Commission
<u>Tactics</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval		<u>Tactics</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval		<u>Tactics</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval
<u>Drawing and Exhibiting the Firearm</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Drawing and Exhibiting the Firearm</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Drawing and Exhibiting the Firearm</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<u>Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<u>Less-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Less-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Less-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<u>Non-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Non-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Non-Lethal Use of Force</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<u>Unintentional Discharge</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)		<u>Unintentional Discharge</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)		<u>Unintentional Discharge</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)
<u>Other Issues</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Other Issues</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Other Issues</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
Notes:				
<u>Final Adjudication for Out of Policy/ Administrative Disapproval Finding</u> <input type="checkbox"/> Extensive Retraining <input type="checkbox"/> Notice to Correct Deficiencies <input type="checkbox"/> Personnel Complaint <input type="checkbox"/> Employee's Work History Reviewed		Notes:		

***A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.**

Employee (Last Name, First, Middle)
Obaidee, Sai

Serial No.
37305

Rank/Class
Police Officer III

Incident No.
024-19

Length of Employment
14 years, 7 months

Current Division
Southeast

Time in Current Division
4 years, 9 months

Use of Force Review Board

Chief of Police

Police Commission

Tactics

- ☐ Does Not Apply
☐ Tactical Debrief
☒ Administrative Disapproval

Tactics

- ☐ Does Not Apply
☐ Tactical Debrief
☒ Administrative Disapproval

Tactics

- ☐ Does Not Apply
☐ Tactical Debrief
☐ Administrative Disapproval

Drawing and Exhibiting the Firearm

- ☒ Does Not Apply
☐ In Policy (No Further Action)
☐ Out of Policy (Administrative Disapproval)

Drawing and Exhibiting the Firearm

- ☒ Does Not Apply
☐ In Policy (No Further Action)
☐ Out of Policy (Administrative Disapproval)

Drawing and Exhibiting the Firearm

- ☐ Does Not Apply
☐ In Policy (No Further Action)
☐ Out of Policy (Administrative Disapproval)

Lethal Use of Force

- ☐ Does Not Apply
☐ In Policy (No Further Action)
☒ Out of Policy (Administrative Disapproval)

Lethal Use of Force

- ☐ Does Not Apply
☐ In Policy (No Further Action)
☒ Out of Policy (Administrative Disapproval)

Lethal Use of Force

- ☐ Does Not Apply
☐ In Policy (No Further Action)
☐ Out of Policy (Administrative Disapproval)

Less-Lethal Use of Force

- ☒ Does Not Apply
☐ In Policy (No Further Action)
☐ Out of Policy (Administrative Disapproval)

Less-Lethal Use of Force

- ☒ Does Not Apply
☐ In Policy (No Further Action)
☐ Out of Policy (Administrative Disapproval)

Less-Lethal Use of Force

- ☐ Does Not Apply
☐ In Policy (No Further Action)
☐ Out of Policy (Administrative Disapproval)

Non-Lethal Use of Force

- ☐ Does Not Apply
☒ In Policy (No Further Action)
☐ Out of Policy (Administrative Disapproval)

Non-Lethal Use of Force

- ☐ Does Not Apply
☒ In Policy (No Further Action)
☐ Out of Policy (Administrative Disapproval)

Non-Lethal Use of Force

- ☐ Does Not Apply
☐ In Policy (No Further Action)
☐ Out of Policy (Administrative Disapproval)

Unintentional Discharge

- ☒ Does Not Apply
☐ Accidental
☐ Negligent (Administrative Disapproval)

Unintentional Discharge

- ☒ Does Not Apply
☐ Accidental
☐ Negligent (Administrative Disapproval)

Unintentional Discharge

- ☐ Does Not Apply
☐ Accidental
☐ Negligent (Administrative Disapproval)

Other Issues

- ☒ Does Not Apply
☐ In Policy (No Further Action)
☐ Out of Policy (Administrative Disapproval)

Other Issues

- ☒ Does Not Apply
☐ In Policy (No Further Action)
☐ Out of Policy (Administrative Disapproval)

Other Issues

- ☐ Does Not Apply
☐ In Policy (No Further Action)
☐ Out of Policy (Administrative Disapproval)

Notes:

Final Adjudication for Out of Policy/
Administrative Disapproval Finding

- ☐ Extensive Retraining
☐ Notice to Correct Deficiencies
☐ Personnel Complaint

☐ Employee's Work History Reviewed

Notes:

*A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.